

Message Text

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PAGE 01 HAMBUR 00370 01 OF 02 141119Z
ACTION L-03

INFO OCT-01 EUR-12 IO-14 ISO-00 EB-08 COME-00 TRSE-00
DOTE-00 AF-10 ARA-14 EA-12 NEA-10 CIAE-00 DODE-00
FMC-02 INR-10 NSAE-00 CG-00 DLOS-09 OES-07 SS-15
NSC-05 PA-02 OIC-02 /136 W
-----099709 141141Z/10

R 140849Z MAR 78
FM AMCONSUL HAMBURG
TO SECSTATE WASHDC 4629

UNCLAS SECTION 1 OF 2 HAMBURG 370

E.O. 11652: N/A
TAGS: OCON, OTRA, AFIN, UNCITRAL, GW
SUBJECT: UNCITRAL - CONFERENCE ON CARRIAGE OF GOODS BY SEA
HAMBURG, REPORT NO. I

PASS: KEARNEY, STATE; JOHNSON, MARAD; JACKLIN, TREASURY;
KUTSKE, DRISCOLL, SHEFLER, DOT; FREE COMMERCE

SUMMARY: DURING THE FIRST WEEK THE CARRIAGE OF GOODS BY SEA CONFERENCE WAS ORGANIZED INTO COMMITTEES AND BEGAN ARTICLE BY ARTICLE ANALYSIS IN SPITE OF ORGANIZATIONAL DELAYS. U.S. COORDINATED AND SUBMITTED PROPOSAL ON UNITS OF ACCOUNT (SDR), CO-SPONSORED BY U.S., NORWAY, SWEDEN, DENMARK, FINLAND, NETHERLANDS, AND FRG.

1. UNITED NATIONS DIPLOMATIC CONFERENCE ON THE CARRIAGE OF GOODS BY SEA MANAGED TO GET ITSELF ORGANIZED. HERBER (FRG) WAS ELECTED PRESIDENT. AFTER CONSIDERABLE WRANGLING AMONG THE GROUP OF 77 DR. SHAFIK (EGYPT) WAS ELECTED CHAIRMAN OF COMMITTEE I WHICH IS THE GENERAL WORKING COMMITTEE CHARGED WITH EXAMINATION OF THE SUBSTANCE OF A NEW TREATY ON THE MARITIME CARRIERS' TRANSPORT OF GOODS UNDER BILLS OF LADING. SOVIETS HAD INFORMALLY INDICATED OPPOSITION
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PAGE 02 HAMBUR 00370 01 OF 02 141119Z

TO EGYPT. GROUP 77 HAD 3 CANDIDATES: RAY (ARGENTINA), DIXI (INDIA), AND KHOO (SINGAPORE). THE SOCIALIST BLOC (GROUP D) CHOSE POPOV (BULGARIA) AS CHAIRMAN OF COMMITTEE II WHICH IS IN CHARGE OF ALL NON-SUBSTANTIVE MATTERS INCLUDING FINAL CLAUSES. THESE TWO COMMITTEES HAVE UNLIMITED MEMBERSHIPS. THE UNITED STATES HAS BEEN SELECTED TO SERVE ON THE DRAFTING COMMITTEE WHICH HAS 18

MEMBERS. THE U.S. SERVES ALSO ON THE CREDENTIALS
COMMITTEE.

2. UN CONFERENCE ON CARRIAGE OF GOODS HAS NOT YET
TAKEN FIRM SHAPE BUT CERTAIN OUTLINES APPEAR:
A) NO MAJORITY OF GROUP 77 ACTUALLY PRESENT.
74 COUNTRIES NOW PRESENT AND REGISTERED. NEVERTHELESS,
PROPOSALS TO TAKE ADVANTAGE OF THIS TEMPORARY SITUATION
WOULD RESULT IN PRESENCE OF SECOND SECRETARIES OF
EMBASSIES FROM DEVELOPING COUNTRIES, WHICH WOULD CONTRI-
BUTE NOTHING TO THE WORK.

B) DEVELOPING STATES SEEM TO BE ARGUING THAT
SINCE DRAFT CONVENTION HAS BLESSING OF UNCTAD IT SHOULD
NOT BE CHANGED. ACCORDINGLY, U.S. PROPOSALS WILL ALL BE
FRAMED AS "DRAFTING" CHANGES RATHER THAN CHANGES OF
SUBSTANCE.

3. IN THE LATTER HALF OF THE WEEK COMMITTEE I SETTLED
DOWN TO AN ARTICLE-BY-ARTICLE ANALYSIS OF THE DRAFT CON-
VENTION. U.S. ATTEMPTS TO CLARIFY AGENCY PRINCIPLES IN
ART. I (1) PRODUCED SOME SUPPORT BUT MOST VIEWS WERE
NEGATIVE AND THE PROPOSAL WAS NOT PASSED TO THE DRAFTING
COMMITTEE. THE COMMITTEE, OVER OBJECTIONS OF U.S. AND
OTHERS, DECIDED TO DEFINE "SHIPPER BY VOTE OF 28 TO 27,
AND A SPECIAL WORKING GROUP ON THIS ISSUE HAS YET TO
PRODUCE A SATISFACTORY DEFINITION. (U.S. IS ON THE WORK-
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PAGE 03 HAMBUR 00370 01 OF 02 141119Z

ING GROUP.) THE COMMITTEE ALSO DECIDED TO RETAIN LIVE
ANIMALS WITHIN THE DEFINITION OF "GOODS." PACKAGING OF
GOODS IS ALSO INCLUDED WITHIN THE DEFINITION DESPITE
STRONG EFFORTS OF SOVIETS TO REMOVE. DEFINITION OF "BILL
OF LADING" IN I (6) EVOKED DISCUSSION OF RELATIONSHIP
BETWEEN MULTIMODAL AND SEA CARRIAGE. THREE DELEGATIONS
(JAPAN, U.K., AND U.S.) WHO HAVE SUBMITTED PROPOSALS ON
THIS ISSUE WERE GIVEN TIME TO COORDINATE FURTHER. U.S.
EFFORTS TO REFORMULATE I (5) ON DEFINITION OF "PORT TO
PORT" LANGUAGE WAS REFERRED TO SPECIAL DRAFTING COMMITTEE
WITH U.K. AND AUSTRALIA. FOUR HOURS OF MEETINGS ON
WEEKEND NOT YET SUCCESSFUL.

4. U.S. ATTEMPT TO BROADEN CONVENTION'S SCOPE OF
APPLICATION IN ART. 2 (1) TO INCLUDE CARRIAGE BETWEEN
STATES WHEN THE PORT OF DISCHARGE AND LOADING ARE NOT
SPECIFIED IN THE CONTRACT OF CARRIAGE WAS SUPPORTED BY
MANY DEVELOPING STATES BUT WAS OPPOSED BY MANY CARRIER
STATES WHICH WERE OF THE VIEW THAT SHIPPERS AND CARR-
IERS WOULD BE UNCERTAIN ABOUT THE EXTENT OF INSURANCE
COVERAGE IF THEY CANNOT RELY ON THE CONTRACT OF CARRIAGE
TO STATE WHETHER OR NOT THE CARRIAGE IS WITHIN THE

APPLICATION OF THE CONVENTION. THE U.S. PROPOSAL WAS DEFEATED WITH 34 VOTES AGAINST AND 27 VOTES IN FAVOR. FRIDAY'S SESSION ENDED WITH DISCUSSION OF WHETHER LASH BARGES IN INLAND TRANSPORT BUT PART OF SEA CARRIAGE SHOULD BE WITHIN SCOPE OF APPLICATION.

5. U.K. EFFORTS TO NARROW CONVENTION BACK TO TACKLE TO TACKLE RULE OF HAGUE RULES HAS CONTRIBUTED MUCH CONFUSION, AS THIS HAS BEEN FRAMED ON THE PRINCIPLE OF NOT INTERFERING WITH A FUTURE MULTIMODAL CONVENTION. WE SPENT 3 1/2 HOURS ATTEMPTING TO REACH AGREEMENT WITH U.K. AND AUSTRALIA ON THESE POINTS BUT IT IS IMPOSSIBLE. WE CANNOT SURRENDER BASIC PRINCIPLE OF HARTER ACT MERELY BECAUSE U.K. THREATENS NOT TO SIGN ANY MARITIME CON-

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PAGE 04 HAMBUR 00370 01 OF 02 141119Z

VENTION WHICH OCCUPIES SOME OF THE TERRITORY WHICH FUTURE MULTIMODAL CONVENTION WOULD OCCUPY. EFFORTS CONTINUING.

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PAGE 01 HAMBUR 00370 02 OF 02 141122Z
ACTION L-03

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FM AMCONSUL HAMBURG
TO SECSTATE WASHDC 4630

UNCLAS SECTION 2 OF 2 HAMBURG 370

PASS: KEARNEY, STATE; JOHNSON, MARAD; JACKLIN, TREASURY;
KUTSKE, DRISCOLL, SHEFLER, DOT; FREE COMMERCE

6. U.S. COORDINATED JOINT U.S., NORWAY, SWEDEN,
FINLAND, DENMARK, NETHERLANDS, FRG PROPOSAL TO EXPRESS

THE CARRIER LIABILITY LIMITS IN IMF SPECIAL DRAWING
RIGHTS USING THE APPROACH OF THE 1976 LONDON CONFERENCES.
PROPOSAL SUBMITTED FRIDAY. CO-SPONSORS HAVE RECEIVED
INDICATIONS THAT THE LONDON FORMULA IS ACCEPTABLE TO THE
SOVIET BLOC AND SPONSORS THEREFORE AGREED NOT TO CHANGE
THE LANGUAGE EXCEPT TO FIT IT TO THE HAMBURG DRAFT CON-
VENTION. TEXT OF PROPOSAL FOLLOWS IN SEPARATE TELEGRAM.

7. U.S. SUBMITTED AS CONFERENCE DOCUMENT STATISTICS
ON VALUES AND WEIGHTS OF GOODS TRANSPORTED BY OCEAN
VESSELS IN U.S. FOREIGN TRADE. AFTER LENGTHY DISCUSSIONS
WITH IMF AND UN OFFICIALS, U.S. PAPER ON EFFECTS OF
INFLATION HAS BEEN RECOMPUTED AND WILL BE SUBMITTED NEXT
WEEK.

8. ON FRIDAY U.S. HOSTED LUNCHEON FOR CANADIANS AND
MEXICANS AT PRIVATE CLUB SUGGESTED BY CONSUL GENERAL.
IT IS BELEIVED THAT COORDINATION OF EFFORT WILL BE
PRODUCED BY THIS.

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PAGE 02 HAMBUR 00370 02 OF 02 141122Z

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